

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

KEITH JUSANDTO TAYLOR,

Plaintiff,

v.

29 JUDICIAL CIRCUIT
TALLADEGA COUNTY
ALABAMA, et al.,

Defendants.

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Case No.: 1:17-cv-1552-MHH-TMP

MEMORANDUM OPINION

On September 12, 2017, *pro se* plaintiff Keith Jusandto Taylor filed this action against a number of defendants, and he moved to proceed without prepayment of the court's filing fee. (Docs. 1, 2). The magistrate judge who is presiding over this case with the undersigned judicial officer granted Mr. Taylor's *in forma pauperis* request. (Doc. 3, p. 1). Mr. Taylor then filed an amended complaint, and that complaint currently is before the Court. In his amended complaint, Mr. Taylor asserts claims against the 29th Judicial Circuit, the Talladega County Sheriff's Department, Sheriff Jimmy Kilgore, and District Attorney Steve Giddens. (Doc. 9).

Consistent with 28 U.S.C. § 636(b)(1), 28 U.S.C. § 1915A, and this Court's customary practices, the magistrate judge screened Mr. Taylor's amended

complaint. (Doc. 12, p. 1). Based on his review of Mr. Taylor's amended complaint and the law applicable to Mr. Taylor's claims, the magistrate judge recommended that the Court dismiss Mr. Taylor's action for failure to state a claim. (Doc. 12, p. 8). The magistrate judge advised Mr. Taylor of his right to file specific written objections within fourteen (14) days. (Doc. 12, pp. 8-9). To date, Mr. Taylor has not objected to the magistrate judge's report and recommendation.

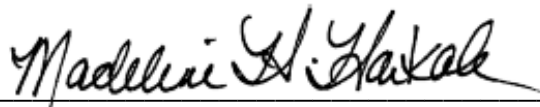
A district court "may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court reviews legal conclusions in a report *de novo* and reviews for plain error factual findings to which no objection is made. *Garvey v. Vaughn*, 993 F.2d 776, 779 n. 9 (11th Cir. 1993); *see also LoConte v. Dugger*, 847 F.2d 745, 749 (11th Cir. 1988); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

The Court has reviewed Mr. Taylor's amended complaint and agrees with the magistrate judge's recommendation because under the law, Mr. Taylor may not pursue claims against the 29th Judicial Circuit or the Talladega County Sheriff's Department, and Mr. Taylor has failed to state a claim against the remaining defendants under 42 U.S.C. § 1983. (Doc. 12).¹ In addition, Mr. Taylor may not pursue habeas relief in this action. (Doc. 12).

¹ Were this case to move forward, Mr. Giddens also might have an immunity defense to Mr. Taylor's claims.

Therefore, the Court adopts the magistrate judge's report and accepts his recommendation. The Court will issue a separate dismissal order consistent with this memorandum opinion.

DONE this 13th day of November, 2018.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE